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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,097	03/08/2000	BENNY MARTIN MATHIESEN	12875.10USWO	1469

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EXAMINER
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GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 09/10/2002

20

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/485097

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1 - 13 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1 - 13 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. Applicant's (Supplemental) Preliminary Amendment, filed 09 August 2002, has been received and made of record.

2. The entire specification should be carefully re-read and presented in more fluent English/better form wherever necessary; if extensive revision is required, a substitute specification should be submitted in accordance with MPEP § 608.01(q). Further along this line (a) N.B. paragraphs 3-4 of the Office action mailed 16 May 2000~~1~~; (b) the following are additionally (although NOT necessarily exclusively) advanced: (1) The term "By . . . . . to cool" (at page 3 line 10), "By . . . . . to let" (at page 5 line 12 and page 6 line 7) ETC. are stilted English; (2) page 4 line 15 - change "a" to "an"; (3) page 7 line 25 and line 8 of the Abstract - "module" should apparently read "modulus"; (4) page 14 line 1 - change "PATENT CLAIMS" to "I Claim" or equivalent, as per M.P.E.P. § 608.01(m); and (5) Abstract line 7 - change "stabile" to "stable"; and (c) it is noted that the "substitute" specification filed with the aforementioned Preliminary Amendment is merely a copy of the specification as originally filed i.e. now BOTH of the specifications require revisions or corrections as set forth in immediately preceding section (b).

3. Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. Specifically (a) in claim 1, it is suggested that the (1) term "a continuous process" in line 7 be changed to "conducted continuously"; and (2) word "where" also in line 7 be changed to "whereby"; (b) there is neither any (1) prior mention of and/or antecedent basis for the terms "a partial <sup>E GTH</sup>linked" and "the preceding partial <sup>E GTH</sup>linked" in lines 8-9; nor (2) indication as to what the word "<sup>E GTH</sup>linked" refers (back?) to; and (c) these claims as now presented are seen to be incomplete i.e. claim 1 fails to recite either (1) the laminating conditions. (i.e. P, T) employed (N.B. page 11 lines 11-13 of applicant's specification); or (2) that the cooling step in applicant's envisioned process is conducted at or under a high pressure (maintained from the heating step in applicant's process) - N.B. page 8 lines 17-28 and page 11 lines 21-23 of the specification, such that the cooling cycle or regimen recited in the "wherein" clause (in lines 5-7 of this claim) is seen to be given no point of reference.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 11-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Smuck et al. (already of record).

Smuck et al. disclose a laminating apparatus composed of a heated roller pair/couple and a cooled/cooling roller pair/couple, which couples act successively (and in the order stated) on superposed plies of substrate material to be bonded to laminate and treat same. (Figs. 3-4, English Translation Abstract and, in the translation provided: Page 5 lines 8-13, page 12 lines 19-21 and page 13 lines 12-14). All of the essential structural and constructional limitations of these claims are seen to be satisfied by this reference, with the following being additionally advanced: (a) Since the only apparent difference between the claimed limitations and the apparatus taught by the single prior art reference is recited in functional language (viz. "wherein said apparatus is SUITABLE FOR (perhaps the term "CAPABLE OF" was intended?) etc." in the last two lines of claim 11) it is apparently incumbent upon applicant to demonstrate or establish that this prior art apparatus does not indeed and actually possess the desired (cooling regimen) characteristic i.e. that this apparatus is unsuitable for and/or incapable of performing this recited cooling regimen (In re Ludtke et al. 169 USPQ 563); and (b) the foregoing notwithstanding, Smuck et al. fairly and clearly provide (N.B.

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page 5 lines 8-13 of the translation) for CONTROL of both the pressure and heat (or cooling) applied by their two (i.e. heated and cooled/cooling) roller pairs or couples, such that it would have been obvious to one of ordinary skill in this art to effect the cooling regimen set forth in the "wherein" clause in the last two lines of this claim, this controlled apparatus being seen to be capable of performing this cooling regimen.

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over the Japanese Sumitomo reference in view of Sandt (both also already of record).

The Sumitomo reference discloses that it is known to melt-adhere a PTFE film to a (woven) e.g. glass fabric in a heat and pressure lamination process. (English Translation Abstract and, in the translation provided: Page 2 last line thru page 3 line 5 and page 3 lines 15-17). This reference is seen to correspond to/be consistent with applicant's admission as to what

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constitutes prior art/the state of the art - N.B. page 1 lines 11-13 of their specification.

Sandt discloses that in the bonding of PTFE films to ANY heat resistant material substrate in a heat and pressure bonding process, it is PREFERRED to cool the laminate so formed under pressure i.e. by maintaining the laminating pressure (column 1 lines 15-17, column 2 lines 4-72, column 3 lines 1-4 and N.B. lines 3-4, N.B. column 5 lines 35-40), such that it would have been obvious to one of ordinary skill in this art to employ this PREFERABLE (i.e. beneficial) cooling under pressure step/technique in/in conjunction with the process of the Japanese reference. Further regarding article-by-process claims 9-10, N.B. MPEP § 706.03(e).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) <sup>872-9310</sup>~~305-3599~~.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to

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the Group receptionist whose telephone number is (703)  
308-0661/0662.

  
JJGallagher:cdc

August 26, 2002



JOHN J. GALLAGHER  
PRIMARY EXAMINER  
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